

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x	:	<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> <b>DOC #:</b> _____ <b>DATE FILED: 7/30/09</b>
STEVEN SPAVONE,	:	
	:	Plaintiff,
	:	<u>ORDER</u>
- against -	:	09 Civ. 0969 (DC)
N.Y.S. DEPARTMENT OF CORRECTIONAL SERVICES <u>et al.</u> ,	:	
	:	Defendants.
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**CHIN, District Judge**

Pro se plaintiff Steven Spavone moves for default judgment against the New York State Department of Correctional Services ("DOCS"). The motion is denied. Plaintiff has not filed proof of service with the Court. The docket entry dated July 12, 2009 reads: "MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE UNEXECUTED as to N.Y.S. Department of Correctional Services." It appears that plaintiff has acted correctly to effectuate service, but that it has not been completed. Plaintiff is therefore granted an additional thirty days, until August 31, 2009, to file proof of service with the Court. This deadline is firm. If proof of service is not filed by August 31, 2009, plaintiff's claim against DOCS will be dismissed.

SO ORDERED.

Dated: New York, New York  
July 30, 2009




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DENNY CHIN  
United States District Judge